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OUR FILE NO. 347155-29

VIA E-FILE

Magistrate Judge Elizabeth D. Laporte
450 Golden Gate Avenue
San Francisco, CA 94102

Re: Sun Microsystems, Inc. v. Network Appliance, Inc., U.S.D.C., Case No. C-07-05488 EDL

Dear Magistrate Judge Laporte:

Pursuant to the Court's September 9, 2008 Order Regarding Stipulation Regarding Claim Construction Schedule, the parties hereby notify the Court that they have elected to follow the modified schedule set forth in the Order, as follows:

- Opening Claim Construction briefs shall be due on September 15 at noon;
- Responsive Claim Construction briefs shall be due on September 29 at noon;
- Reply Claim Construction briefs shall be due on October 10 at 5:00 p.m.

Respectfully,

DLA PIPER LLP (US)

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